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## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Review of Council Follow-up Requests

**MEETING DATE:** February 1, 2005

**PREPARED BY:** Deputy City Manager

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**RECOMMENDED ACTION:**


That Council review with staff the attached list representing follow-up requests which have resulted from past City Council meetings and Shirtsleeve Sessions.

**BACKGROUND INFORMATION**

The City Council, during Council meetings and Shirtsleeve Sessions, have requested that staff follow-up on certain subject matters for future Council consideration or for specific action. The City Clerk office continues to do an outstanding job of detailing and tracking these requests, which are provided as an attachment.

During the Special Council Meeting, staff will provide an update on the listed items and will ask for general comments as to whether or not the Council wishes staff to proceed on certain items. Staff will be prepared to answer questions Council may have regarding the listed requests.

**FUNDING:** None

  
Janet S. Keeter  
Deputy City Manager

JSK/sl  
Attachment

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APPROVED:   
Blair King, City Manager

# PENDING COUNCIL REQUESTS REPORT

*Contains Excerpts from City Council Meeting Minutes*

(Prepared by the City Clerk – Updated through the meeting of January 4, 2005)

*Note: Council suggestions/recommendations are listed separately (at conclusion).*

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Meeting Date/Item: July 17, 2002 – Council Comments:

Mayor Pro Tempore Hitchcock noted that **a few homes on Park Street have no sidewalk** and asked Mr. Prima to follow up on it.

Meeting Date/Item: January 20, 2004 – Sidewalk Policies:

Council Member Hitchcock **reminded Mr. Prima that there were two property owners on Park Street that wished to have sidewalks installed using Measure K funding.**

Meeting Date/Item: March 18, 2003 – CalPERS Actuarial projections:

Mr. Lane (*CalPERS Manager*) acknowledged that the increase to Safety benefits of 3% at 50 years increased the benefits and contributed somewhat to the situation today. He stated that it is typical for police and fire benefits to be close to 50% of pay when projected out.

**Mayor Hitchcock asked Mr. Flynn to provide Council with a report on how this situation translates into dollars.**

Meeting Date/Item: May 6, 2003 – Fiscal years 2003-05 budget alternatives:

Mr. Beckman reported that over the past three years parking fines have ranged between \$41,000 and \$44,000 annually. **He suggested that parking fine revenues be transferred to the DLBP in lieu of the annual contribution by the City of \$47,000. He asked that this be considered at a future meeting.**

Council Member Beckman asked whether his suggestion could be considered as part of the 2003-05 budget. He reiterated that he was recommending turning over the fines for parking to the DLBP as its source of funding from the City and as a tool to empower the DLBP and fund itself. The DLBP could set the times, fine amounts, and parking limits.

Meeting Date/Item: May 21, 2003 – Grape Bowl rental agreement with the Lodi Chamber of Commerce:

Pat Patrick recommended that Council reconsider its Grape Bowl schedule and fees, noting that the current prices are too high for the venue.

Council Members ~~Land and~~ Hansen agreed that **the Parks and Recreation Commission should review the Grape Bowl fee schedule.**

Meeting Date/Item: October 15, 2003 – Kristmont Acres lighting and sidewalk issues:

Council Member Beckman clarified that his objection was not related to deferring the improvements. He objected to preventing home owners from petitioning against a lighting district. He believed that items two and three in the deferral agreements should be amended or deleted. He would also like these references removed from those agreements already in place and running in the chain of title.

Addressing Mr. Hays, Mayor Hitchcock clarified that Council is seeking a change in the deferral agreement language so that it does not violate people's right to free speech.

Council Member Beckman suggested that the clause be eliminated that addresses lighting districts, since it is no longer the City's policy to create them.

Mr. Hays responded that the City's current street lighting program may not apply to industrial areas, to which Mr. Beckman then recommended that the clause be eliminated only for residential property.

Council Member Hansen recommended that the topic of amending the language in the deferral agreements be scheduled for a future Council meeting.

**(NOTE: See excerpts above & below for suggested amendments.)**

Mayor Hitchcock agreed with Mr. Hansen and further suggested that Mr. Prima and Mr. Vallow prepare a proposal for Council's consideration and notify the residents of Kristmont Acres when this matter is scheduled to appear on a Council agenda.

Council Member Land recommended that the words "hereby waives objection to the creation of such streetlight district" be changed to "owner shall participate in the streetlight district if formed." He preferred that Council direct the City Manager to instruct staff to review this matter and bring back a recommendation. He suggested that the deferral agreement topic be discussed at a Shirtsleeve Session.

Meeting Date/Item: October 15, 2003 – Almond North residential development:  
Mayor Hitchcock suggested that Council review the Planning Commission appeal process and consider amending the time period.

Council Member Beckman expressed support for extending the five-day appeal period and suggested that it be changed to either ten calendar days or five business days. He asked Mr. Bartlam to report back to Council regarding whether the \$250 fee is associated with a specific cost to the City.

Council Member Hansen agreed with other Council comments that five days is too short a period to allow for filing an appeal.

*NOTE: E-mail reply from Mr. Bartlam on January 12, 2004: "The Planning Commission has directed Planning staff to prepare an ordinance that will modify the appeal period from the current five calendar days to seven business days. The typical final day to appeal would then fall on the following Friday. Staff has scheduled the item for the Commission's February 11th meeting."*

*NOTE: E-mail reply from Mr. Bartlam on January 20, 2005 indicated that this matter was inadvertently not addressed.*

Meeting Date/Item: October 15, 2003 – DLBP 2003-04 Annual Report:

Mayor Hitchcock asked City Attorney Hays to review the ordinance and determine whether the City has the responsibility for approving expenditures of the DLBP.

Meeting Date/Item: December 16, 2003 – Public Benefits Program grant for the Lodi Next Generation Home Project:

NOTE: An e-mail message dated January 18, 2005 from Rob Lechner indicated that this project is no longer viable.

~~Mayor Pro Tempore Beckman pointed out that Mr. Buzuniz would be getting a lot of improvements done on his property that he would be able to keep once the project ends. He asked whether this would be an offset to the rent payments. In addition he asked to be provided with the specific dollar amount for the permanent improvements to the property and how that would translate into real equity value.~~

~~Mayor Hansen also asked that Council be provided with a financial accounting of all projected expenses, the value of permanent improvements to the home, etc.~~

~~Mayor Hansen suggested that a public hearing be held on this matter to allow surrounding residents to voice their concerns and input regarding the project.~~

~~Council Member Land recommended that a specific notice be mailed to property owners within a 300 foot radius surrounding the project to determine interest prior to scheduling a public hearing.~~

~~City Manager Flynn commented that it might be a good idea to present the project to the Planning Commission before bringing it back to Council.~~

Meeting Date/Item: February 4, 2004 – Council Comments:

Mayor Pro Tempore Beckman reported that, following a lengthy discussion, the Parks and Recreation Commission recently voted 2-2 regarding what kind of events should take place at City parks. ~~He asked that the topic of a public park policy be placed on a future City Council agenda.~~

City Manager Flynn indicated that staff could prepare a draft to take to the Parks and Recreation Commission for its input, prior to bringing the matter before Council.

Council Member Hitchcock suggested that a Mayor's Task Force be formed to include members of the Friends of Lodi Lake, representatives of the Parks and Recreation Commission, and interested citizens, to examine the issue and discuss it at public meetings prior to bringing a recommendation to Council.

Meeting Date/Item: March 3, 2004 – Report from Boosters of Boys/Girls Sports Review Committee:

Committee Chairman Bob Johnson recalled that the former City Attorney opined that the City has no control over the BOBS. He believed that as long as that position remains unchanged, the only thing that might change the contentious situation that created the problems would be public pressure.

~~Mayor Hansen stated that he would like a second opinion about that issue from the Interim City Attorney and outside counsel, Kronick Moskovitz Tiedemann & Girard. He expressed hope that the Committee's recommendations could be implemented.~~

~~Council Member Hitchcock asked Mr. Schwabauer to draft a new contract incorporating the Committee's recommendations.~~

At the request of Council Member Hitchcock, Interim City Attorney Schwabauer stated that he would ask the City's Risk Manager to **prepare a comprehensive list of entities that the City provides indemnification for.**

In reply to Council Member Hitchcock, Mr. Schwabauer suggested that he ask an attorney from the firm of Kronick Moskovitz Tiedemann & Girard to draft a contract, which could be brought back to Council for consideration in approximately three weeks.

Council Member Hitchcock clarified that she did not think the Council wanted to sever the relationship with the BOBS. **She recommended that Mr. Schwabauer communicate with the Parks and Recreation Department, consider the legality of the current relationship between the City and the BOBS, and amend the contract accordingly. Also she asked that Mr. Schwabauer make a recommendation to Council as to whether the BOBS should be under the City's umbrella.**

Mayor Hansen **asked Mr. Schwabauer to consider the three options he previously iterated, outline the pros and cons, and report back to Council by its regularly scheduled meeting on May 19.**

Mayor Pro Tempore Beckman and Council Member Howard agreed that funds should not be expended for outside counsel to analyze the issue and/or amend the contract.

Meeting Date/Item: March 3, 2004 – Financial Audit for Fiscal Year 2002-03:

Council Member Hitchcock suggested that a **Shirtsleeve Session be held to review and discuss the Schedule of Uncorrected Misstatements.**

Meeting Date/Item: March 23, 2004 – Lodi Animal Shelter under Electric Utility:

Council Member Land agreed that the current shelter conditions are deplorable. He requested that an **organizational flow chart**, which shows who will report to whom, who will provide the training, etc., be presented to Council before discussions on the structure and enterprise fund issues are explored.

Mayor Hansen concurred that a **business plan** be put together for Council to consider at a regular meeting, which contains some of the concepts, the cooperative effort of sharing the facility, and costs. Mr. Hansen expressed concern that this might be confusing to citizens who do not understand the separation of City operations in terms of the funds and revenue streams, especially in light of the budget concerns.

Meeting Date/Item: April 27, 2004 – Water, sewer, and refuse rate increases:

Mayor Pro Tempore Beckman asked Mr. Prima to **bring back options for Council to consider related to transitioning to water meters.**

Meeting Date/Item: May 5, 2004 – Compressed natural gas street sweeper \$200,000:

Mayor Pro Tempore Beckman **asked whether it is common in other jurisdictions for stormwater related costs to be attributed to the wastewater account**, which is an enterprise fund. He did not understand the connection between the two, since stormwater does not go to White Slough.

**City Manager Flynn replied that staff would do a survey of other cities and report back to Council.**

Mayor Hansen pointed out that the old sweeper was purchased for \$69,600, and over the past ten years \$297,000 has been spent on repairs. He asked whether there would be less repairs needed on a compressed natural gas sweeper. He suggested that if these repair costs continue to be necessary, it may not be worth having a backup unit. He recommended that a process be developed that triggers a reevaluation when the cost of repair reaches twice the cost of the unit.

Mr. Prima reviewed repair cost data on an overhead (filed) and replied that **he would look into developing a policy as suggested by Mayor Hansen.**

Mayor Hansen **requested that Council receive a report on the feasibility of instituting a policy triggering a reevaluation when extensive repair costs are made and whether a lease option would be a viable alternative.**

Meeting Date/Item: May 11, 2004 – Installation of streetlights Phase IV:

Council Member Hitchcock **requested to be provided with a complete accounting of the Electric Utility COP, the number of projects, and what has been purchased.**

Council Member Hitchcock requested that Mr. Vallow contact the City's bond counsel for clarification on this project. Mayor Hansen suggested that it be in writing.

Council Member Hitchcock further **requested an itemization of the expenditures for the Electric Utility COPs, what has been paid, and what still needs to be paid. Additionally, she would like to see a detailed listing of the project with the costs and those items that have been purchased checked off the list.**

Meeting Date/Item: June 15, 2004 – Draft fiscal year 2004-05 Financial Plan and Budget:

Mayor Pro Tempore Beckman asked that the topic of possible **policies** regarding future revenues be placed on an agenda for public discussion as to **what direction the City should take, e.g. to work toward being a commercial or tourism center, etc.**

Meeting Date/Item: July 7, 2004 --Draft fiscal year 2004-05 Financial Plan and Budget:

Mayor Hansen asked how the **deferral of the paramedic program** would impact the position that was previously added to coordinate the program.

City Manager Flynn reported that the **EMS Coordinator** is still working on developing a program. He noted that it was a **contract position and acknowledged that it should be reviewed.**

E-Mail Communication: July 27, 2004

John Beckman – Asked that the topic of **(Gann) appropriations spending limit** be considered during initial 2005-06 budget discussions.

E-Mail Communication: August 19, 2004

John Beckman - "At our Eastside Improvement Committee meeting we heard testimony that there are 14-17 people living in a 1,000 square foot house and our own code enforcement officer declared that those numbers are within the legal limits.

Lodi has not approved an apartment complex or other forms of high density housing in over a decade.

It is reported that 78% of households in San Joaquin County cannot afford the median house. In Lodi we are down to roughly 55% of our homes being owner occupied.

In a conversation on the evening of our joint meeting it was suggested to me that many of our residents are illegal aliens. I am sure that is an accurate statement and I would gladly participate in any project that would remove all illegal aliens from Lodi. The reality of the situation is that the INS has shut down its Stockton office and is no longer actively deporting illegal aliens who are more than 100 miles into the U.S. The CHP no longer arrests illegal aliens. And our city attorney would advise you that any city policy directed at non-citizen residents would get us sued by the ACLU.

Lodi was the only city in San Joaquin County that experienced a drop in our sales tax dollars.

All of these issues, I believe, should be part of the discussions we will have on the financial condition of the City and how we will be balancing our budget."

Meeting Date/Item: October 6, 2004 – Annual Report and levy of assessment for Downtown Lodi Business Improvement Area 1:

Mayor Pro Tempore Beckman stated that the City ought to have a policy regarding administrative fees, to which Council Member Hitchcock agreed and suggested that staff bring a recommendation to Council during upcoming budget discussions.

Interim City Manager Keeter stated that staff would present options for an administrative fee policy in January 2005 during mid-year budget adjustment discussions.

Meeting Date/Item: October 6, 2004 – Council Comments

Council Member Hitchcock requested that an item be placed on a future agenda to discuss the authorities of the city manager, specifically monetary type authorities, e.g. salary increases, approval of contracts and purchases, etc.

Mayor Pro Tempore Beckman supported Ms. Hitchcock's request and asked that it be placed under the regular calendar on a future Council agenda.

Meeting Date/Item: October 20, 2004 – Lighted Crosswalk System Project at Lockeford and Calaveras Street:

Council Member Hitchcock voiced concern regarding setting a precedence and noted that studies have not yet concluded on the effectiveness of lighted crosswalks.

Mayor Pro Tempore Beckman agreed with Ms. Hitchcock's comments and believed that the matter should be studied further and criteria established for lighted crosswalks.

Council Member Hitchcock favored having parameters and guidelines for which lighted crosswalks are established.

Mayor Hansen asked staff to develop a policy and explore additional funding for lighted crosswalk systems.



Meeting Date/Item: October 20, 2004 – Council Comments

Council Member Land commented that for four years James Baum has been complaining about **garbage trucks leaking oil on City streets** and felt that something should be done to resolve the issue.

~~Council Member Land~~ and Mayor Hansen requested that the City Attorney, Interim City Manager, and Public Works staff **review the situation and return to Council with a recommendation.**

Meeting Date/Item: November 3, 2004 – Update regarding fiscal year 2005-06 budget process:

Council Member Hitchcock noted that the spreadsheet information only goes back four years. She **had heard that the City's budget doubled in the past ten years and asked to be provided with budget information over a longer period of time.**

Meeting Date/Item: January 4, 2005 – City of Lodi Budget Commission:

Mayor Beckman explained that the goal of this meeting was to discuss various questions related to the **formation of a budget commission and bring the matter back at a regular meeting for adoption.**

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#### COUNCIL SUGGESTIONS / RECOMMENDATIONS:

Meeting Date/Item: February 5, 2003 –

Mayor Hitchcock asked that Council Members Hansen and Beckman be provided with the **traffic signal report** and **suggested that a Shirtsleeve Session be scheduled to review the procedure for prioritization.**

Meeting Date/Item: May 21, 2003 – Advance payment of uncollected / delinquent 2003 assessments to the DLBP:

In answer to Council Member Hansen, Finance Director McAthie reported that staff has just begun analyzing the current assessments that are delinquent and could not comment on whether the accounts would be 100% recoverable. She stated that business licenses are issued January 1, but the assessments are not delinquent until April.

**Council Members Hansen and Land suggested that an amendment to the ordinance be considered, which would make the business licenses and BID assessments due at the same time.**

Meeting Date/Item: June 10, 2003 – Regulation of State Department of Alcoholic Beverage Control licenses within Lodi:

Mr. Bartlam suggested that Council may wish to consider setting a cap at the current number or allowing additional licenses only as the population grows. He reported that an application had recently been received to establish a new license for a proposed gas station and convenience store at the corner of Stockton Street and Harney Lane. According to census tract information in that area, there are fewer licenses than the Department of Alcoholic Beverage Control's guideline; however, he believed that a citywide focus should be made because there is a distribution issue to be considered as well. He noted that if applicants are told they must obtain



an existing license, the current licenses will become more valuable and perhaps it will entice some business owners to sell them.

Council Member Hansen suggested that staff return to Council with policy options related to this matter.

Meeting Date/Item: October 15, 2003 – DLBP Annual Report:

Council Member Hansen suggested that the DLBP develop an **adopt-a-tree program** for the downtown area to help cover the lighting cost.

Meeting Date/Item: April 14, 2004 – Joint meeting with Parks & Recreation Commission DeBenedetti Park:

Mr. Dutra noted that during the next three years A.M. Stephens would be removing 20,000 truck loads of dirt from the park. Some trees will need to be removed when the park is developed. Existing trees have been evaluated and pruned.

Mayor Pro Tempore Beckman suggested that an offer be made to anyone wishing to save the trees through a relocation effort at their expense.

Meeting Date/Item: April 27, 2004 – Transit overview:

Mayor Hansen suggested that the **expenses be separated so that a true cost of service for Dial-A-Ride and the fixed-route system can be ascertained.**

Mayor Hansen noted that adjustments to the express routes have had to be made to accommodate youth getting to and from school, in addition to children using Dial-A-Ride for school transportation. He felt this was a **subsidy to the School District and asked Ms. Fink to track it.**

Meeting Date/Time: November 3, 2004 -- Update regarding fiscal year 2005-06 budget process:

Council Member Hitchcock noted that it is taking an extended amount of time to get projects through the plan check process in the Community Development Department, due to vacancies. She felt that there should be some expectation that fees are equivalent to a certain level of service. She **suggested that vacant positions be considered on a case by case basis and a policy call made on priorities, rather than allowing attrition to occur randomly.**

Meeting Date/Time: November 3, 2004 -- Update regarding fiscal year 2005-06 budget process:

Mayor Hansen suggested that becoming a **Charter City** might be beneficial in regard to maintaining a policy for fund balance reserve.

Council Member Hitchcock voiced support for the Charter City concept if it were primarily for financial constraints.

Meeting Date/Time: December 15, 2004 – Council Comments

Council Member Johnson suggested that **town hall meetings** take place, in which the Mayor, City Manager, and Finance Director reach out to the community and explain the severity of the City's budget situation and potential impacts.

Mayor Pro Tempore Hitchcock suggested that the concept of **team building** should be revisited, due to the challenges the City is now facing and the addition of new Council Members and City staff.